

APPROVED

**BOARD OF DENTISTRY
MINUTES OF REGULATORY/LEGISLATIVE COMMITTEE**

Thursday, June 7, 2007

Department of Health Professions
6603 W. Broad Street, 5th Floor
Richmond, Virginia 23230
Board Room 1

- CALL TO ORDER:** The meeting was called to order at 10:25 a.m.
- PRESIDING:** Edward P. Snyder, DDS., Chair
- MEMBERS PRESENT:** Jacqueline G. Pace, RDH
Paul Zimmet, DDS, Ex-officio
Jeffrey Levin, DDS, Ad Hoc Member
Glenn Young, DDS, Ad Hoc Member
- MEMBERS ABSENT:** James D. Watkins, DDS
- STAFF PRESENT:** Sandra Reen, Executive Director
Elaine Yeatts, Senior Policy Analyst
Catherine Chappell, Administrative Staff Assistant
- COUNSEL PRESENT:** Howard Casway, Senior Assistant Attorney General
- QUORUM:** All members were present or represented by a substitute with Dr. Young substituting for Dr. Watkins and Dr. Levin substituting for Ms. Pace whose arrival was delayed.
- PUBLIC COMMENT:** **Ms. Nancy Daniel**, director of the dental assisting program at J. Sargeant Reynolds Community College and a dental assistant commented that dental assistants are leaving the field due to pay and job satisfaction concerns. She believes approval of expanded functions for dental assistants will help improve job satisfaction. She noted that with the proposed change, the dental assistants will be better qualified as they enter dental assisting careers. She agreed with requiring registration and the national exam. She added that she would like to see background checks employed as part of the requirements for dental assistant registration.
- Ms. Hazel Luton** spoke on behalf of the dental assisting program at the VCU School of Dentistry. She agreed with the addition of Dental Assistant I and II duties to the law, stating that a clinical and written examination is necessary to ensure consistency in teaching reversible duties.

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Ms. Gloria Langmeyer spoke on behalf of the Virginia Dental Assisting Association noting that the VDAA supports the proposal for 2 classes of dental assistants and approves of registration and regulation of dental assistants.

Ms. Diane Sullivan spoke as a concerned dental assistant to express support for education requirements and registration. She stated that she was in favor of expanded functions for dental assistants and requested regulation of both levels of dental assistants. She expressed her concern that no mandatory continuing education requirements were in place for dental assistants and that many dentists are not aware of what duties are appropriate for dental assistants to perform.

Mr. Cal Whitehead, representing the VDHA, stated that the VDHA was pleased to see that the taskforce recommendations are included in the proposed bill. He recommended adding the phrase “not restricted to the practice of a dentist or dental hygienist” after the word “duties” in §54.1-2730.B. in order to be consistent with §54.1-2730.A. Additionally, he stated that the VDHA would likely offer to work with the Board in updating the definition of Dental Hygienist to provide more clarity.

MINUTES:

Dr. Snyder asked if the Committee had reviewed the minutes of the December meeting. Dr. Zimmet moved to accept the minutes of the meeting as amended to correct a typographical error on page 3. The motion was seconded and passed.

**DISCUSSION OF
ACTION ON
EXPANDED DUTIES
FOR DENTAL
ASSISTANTS**

Ms. Reen noted that a chart on permissible duties of dental hygienists and dental assistants from Idaho was provided as a reference for the discussion of defining two classes of dental assistants. Dr. Snyder suggested developing a similar chart for use in Virginia. Ms. Yeatts commented that in the past, the regulations had contained a list of duties that dental assistants could perform but was often subject to change. She suggested continuing the use of more general terms in the regulations and adopting such a chart as guidance.

Dr. Snyder summarized the Committee’s actions taken to date with respect to expanded duties for dental assistants. He noted that the previous draft legislation in this regard had met with

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opposition and the Committee had been asked to revisit the issues and redraft the language.

Ms. Yeatts presented a draft of proposed legislation for the 2008 General Assembly which amends §54.1-2712 and adds a new section §54.1-2730. She recommended removing §54.1-2712.1. and renumbering the rest of the section. She advised that the language misrepresents the application of general supervision and it inappropriately refers to dental hygienists who are addressed elsewhere in the Code. She stated that this provision was no longer needed if §54.1-2730 is added.

Dr. Snyder asked about keeping and revising §54.1-2712.1. to make it clear that dental assistants are permissible. Following discussion no change was made.

Ms. Reen suggested that adding a definition of Dental Assistant in §54.1-2700 might help to address the distinction between the two levels being proposed. Mr. Casway noted that there is a definition to work with in the regulations.

The Committee asked Ms. Yeatts to revise the draft to clarify §54.1-2730.A. by adding the word “otherwise” between “not” and “restricted” and removing the words “may be” between “as” and “prescribed”. Additionally, the Committee requested that Ms. Yeatts rework the order of the requirements in §54.1-2730.B and that the words “not otherwise restricted to the practice of a dentist or a dental hygienist” be inserted after the word “duties”.

Dr. Zimmet moved that the proposed legislation as amended be presented at the Board meeting. The motion was seconded and carried. Ms. Yeatts agreed to present the revised language at the Board meeting on June 8, 2007.

**STATUS OF
REGULATORY
ACTIONS:**

Ms. Yeatts presented a chart on the status of current regulatory actions and reported that:

- a NOIRA on Informed Consent would be published on June 11, 2007, with a 30 day comment period. After that time, the Committee could draft language for consideration by the Board.

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- the proposed regulations extending the time of general supervision from 7 months to 10 months would be published as Fast Track regulations on June 11, 2007. A public hearing is scheduled for August 3, with an effective date anticipated to be August 25, 2007.
- Amendment to the Public Participation Guidelines is also being Fast Tracked, with an effective date of August 25, 2007
- Proposed Regulations describing requirements for administration of anesthesia or analgesia by hygienists are currently at the Secretary's office, awaiting approval. Once approval is obtained, a public comment period and hearing will be scheduled.

Ms. Yeatts stated that an exempt regulatory action will be presented at the Board meeting on June 8, 2007 for adoption to eliminate Regulation 18VAC60-20-71(5) on failure of a clinical examination. The change is required to conform to the legislation enacted to remove the language from the Code.

**REGULATORY
REVIEW AND
DEVELOPMENT**

Ms. Reen recommended that the Committee begin regulatory review which is required by law at certain intervals. She stated that the review is needed to clarify some areas of law and achieve consistency with statutes in others. Dr. Snyder suggested that a worksheet be developed to place the statutory language beside its related regulatory language. Ms. Reen agreed to prepare the chart. Ms. Yeatt's advised that the Committee recommend to the Board that a NOIRA be issued so the public is informed. Dr. Young moved that the review be initiated and that issuance of a NOIRA be recommended. The motion was seconded and carried.

ADJOURNMENT

With all business concluded, the Committee adjourned at 12:05 p.m.

Edward P. Snyder, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date